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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Sherrod Quintell Shervington,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.
14

No. CV-22-02097-PHX-DWL

ORDER

15 Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of
17 the United States Magistrate Judge (Doc. 11). The R&R, which was issued on October 12,
18 2023, recommended that the petition be denied and dismissed with prejudice and further
19 provided that "[t]he parties shall have fourteen days from the date of service of a copy of
20 this [R&R] within which to file specific written objections with the Court." (Doc. 11 at 9-
21 10.)

22 Here, no such objections have been filed. Thus, the Court accepts the Magistrate
23 Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does
24 not appear that Congress intended to require district court review of a magistrate's factual
25 or legal conclusions, under a *de novo* or any other standard, when neither party objects to
26 those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o
27 review is required of a magistrate judge's report and recommendation unless objections are
28 filed."). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)

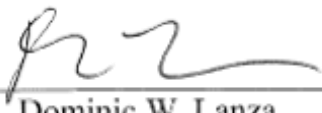
1 (“[T]he district judge must review the magistrate judge’s findings and recommendations
2 de novo *if objection is made*, but not otherwise.”).

3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 11) is accepted,
5 that the Petition (Doc. 1) is denied and dismissed with prejudice, and that the Clerk of
6 Court shall enter judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
8 proceed in forma pauperis on appeal be **DENIED** because the dismissal of the petition is
9 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
10 debatable.

11 Dated this 3rd day of November, 2023.

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16 Dominic W. Lanza
17 United States District Judge
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